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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,572	03/11/2004	John Peter Walsh	16240.M293	4803
7590 02/27/2008 Joseph W Berenato III Liniak, Berenato & White, LLC Suite 240 6550 Rock Spring Drive Bethesda, MD 20817				
EXAMINER				
LAUX, JESSICA L				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,572

Applicant(s)

WALSH, JOHN PETER

Examiner

Jessica Laux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 15-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgment is made of applicant's amendment filed 11/19/2007.

Accordingly the claims have been amended.

Election/Restrictions

Applicant's election with traverse of Group I in the reply filed on 11/19/2007 is acknowledged.

However, due to an omission in the previous office action of certain requirements regarding election with traverse this restriction is not made final. The omitted section is presented below. In replying to this office action applicant must specifically point out any supposed errors in the restriction requirement.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable

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over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Response to Arguments

Applicant's arguments filed 11/19/2007 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-2, 4-5, 7 and 11 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments regarding the 103 obvious design choice rejections of the previous office action, examiner asserts applicant's remarks are not persuasive. Applicant appears to arguing that the use of a plywood and not a composite wood provide advantages. However, in claims 3, 6, 8-10 of the previous office action it is clearly stated that the claimed method steps are what has not been disclosed as providing an advantage or solving a stated problem. Applicant has not sufficiently clarified how the specification does have such assertions and therefore this is not sufficient to overcome the rejections. Further examiner requests applicant review the previous office action where the design choice rejections clearly are provided with rational supporting the rejection.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 2, 7, 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyercord et al (1794194).

Regarding claims 1, 7: Meyercord discloses a method of forming a molded plywood door skin, comprising the steps of:

providing a wood board having at least one ply of solid wood (Col. 2, line 58-60);

conditioning the board with water (Col. 2, lines 84-85);

disposing the conditioned board in a contoured mold press having a mold cavity (Col. 2, lines 87-89); and

deforming the board in the mold press using sufficient heat and pressure to form a molded door skin having contoured portions corresponding to said mold cavity (Col. 2, line 87- Col. 3, line 4).

Regarding claim 2: The method of claim 1, including the step of closing the mold press at a predetermined closure rate (where since the dies are closed there is an inherent predetermined closure rate as the mere fact that the dies are closed means there must be a rate of closure).

Regarding claim 12-13: The method of claim 1, wherein the plywood board includes an exterior ply of solid natural wood (luan where applicant has defined luan to be a higher quality wood veneer over a composite core) and at least one interior core layer (Col. 1, lines 24-25)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moyes (6312540).

Regarding claims 1, 12-14: Moyes discloses a method of forming a molded wood door skin, comprising the steps of:

providing a wood board (10);

conditioning the board with water (49; Col. 6, lines 43-61);

disposing the conditioned board in a contoured mold press having a mold cavity (21; Col. 7, line 64); and

deforming the board in the mold press using sufficient heat and pressure to form a molded door skin having contoured portions corresponding to said mold cavity (Col. 8, lines 26-36).

Moyes does not expressly disclose a plywood board having at least one ply of solid wood. However it is common and know in the art to use plywood (luan or otherwise; or having an interior core of a different core material) to make door skins (reference applicant's specification page 2, line 18 and page 3, lines 1-10). Further it is noted that Moyes does not restrict the wood material to just composite wood but throughout the disclosure it is stated "flat blank... preferably a wood composite" (as seen at least on Col. 5, lines 58-62) which is certainly restricted to only wood composites as Moyes does not teach away from using a plywood having at least one ply of solid wood.

Therefore all of the component parts are known in either Moyes or as disclosed by applicant as being prior art. The only difference is the combination of the molding

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process of Moyes with the plywood board having at least one ply of solid wood. Thus, it would have been obvious to one having ordinary skill in the art to mold the known plywood board with the process as taught by Moyes, since the molding process is in no way dependent on the type of wood board being molded and the combination achieves the predictable results of a clearly molded wooden door skin.

Additionally it is noted that the method of Moyes discloses an improved molding process for wood material flat door blanks for making aesthetically pleasing door skins. Therefore, it would have been obvious to a person of ordinary skill in the art to try the molding process disclosed by Moyes on the claimed plywood board (as Moyes does not preclude plywood as a material) as a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. In turn, because molded door skin as claimed has the properties predicted by the prior art, it would have been obvious to make the door skin using the method of molding disclosed by Moyes.

Regarding claim 2: The method of claim 1, including the step of closing the mold press at a predetermined closure rate (Col. 8, lines 26-36).

Regarding claims 4-5: The method of claim 1, wherein said conditioning step includes exposing the plywood board to steam in an atmospheric chamber (Col. 6, lines 59-61; where an atmospheric chamber or a pressurized sealed cavity are common and well known methods of steaming boards).

Regarding claim 7: The method of claim 1, wherein said conditioning step includes soaking the plywood board in a water bath (Col. 6, lines 43-61).

Regarding claim 11: The method of claim 1, wherein said conditioning step increases moisture content of the plywood board to between about 9-15% (which is between about 10-40% as applicant has claimed; (Col. 6, line 49)).

Regarding claim 3: Moyes discloses the method of claim 2 above but does not expressly disclose that the closure rate is between about 3 mm per minute and about 7 mm per minute. However, Moyes does disclose that various closure rates are acceptable depending the specific features of the board. Further applicant has not disclosed that such a closure provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art furthermore would have expected applicant's claimed closure rate and that as disclosed by Moyes to perform equally well considering they both close the press at a constant predetermined rate. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the closure step of Moyes to be at a rate as claimed by applicant as such a modification appears to be a matter of mere design choice which fails patentably distinguish of the prior art of Moyes.

Regarding claim 6: Moyes discloses the method of claim 5, but does not expressly disclose that the plywood board is exposed to steam in the pressurized, sealed cavity for at least about 30 minutes during said conditioning step.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to steam the board for 30 minutes because applicant has not disclosed that such a limitation provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the

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art, furthermore, would have expected Moyes step of steaming, and applicant's invention to perform equally well with either the step of steaming taught by Moyes or the claimed step of steaming because both steps would perform the same function of moisturizing the board to an acceptable moisture content equally well considering.

Therefore, it would have been prima facie obvious to modify Moyes to obtain the invention as specified in claim 6 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Moyes.

Regarding claim 8: Moyes discloses the method of claim 7, but does not expressly disclose that the plywood board is soaked in the water bath for at least about 4 hours during said conditioning step.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to soak the board for 4 hours because applicant has not disclosed that such a limitation provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Moyes step of soaking, and applicant's invention to perform equally well with either the step of soaking taught by Moyes or the claimed step of soaking because both steps would perform the same function of moisturizing the board to an acceptable moisture content equally well considering.

Therefore, it would have been prima facie obvious to modify Moyes to obtain the invention as specified in claim 8 because such a modification would have been

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considered a mere design consideration which fails to patentably distinguish over the prior art of Moyes.

Regarding claims 9-10: Moyes discloses the method of claim 1 and further using surfactants to achieve a desired moisture pick-up (Col. 6, lines 54-56), but does not expressly disclose that the said conditioning step includes exposing the plywood board to a surface spray.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to condition the boards using a surface spray because applicant has not disclosed that such a limitation provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Moyes step of conditioning, and applicant's invention to perform equally well with either the step of conditioning taught by Moyes or the claimed step of conditioning because both steps would perform the same function of moisturizing the board to an acceptable moisture content equally well considering. Further applicant has disclosed in the specification and claims several different steps of conditioning to be acceptable (such as a water bath or steaming).

Therefore, it would have been prima facie obvious to modify Moyes to obtain the invention as specified in claims 9-10 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Moyes.

Regarding claim 25: The method of claim 1, wherein said deforming step includes forming a molded plywood door skin having a substantially uniform thickness (Col. 5, lines 51-52).

Regarding claim 26: The method of claim 1, wherein said deforming step includes forming a molded plywood door skin having a substantially uniform density (Col. 3, lines 1-5).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-

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8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/
Primary Examiner, Art Unit 3633

/J. L./
Examiner, Art Unit 3635
02/14/2008